

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JIM SHOCKLEY**, on March 7, 2001 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Shockley, Chairman (R)  
Rep. Paul Clark, Vice Chairman (D)  
Rep. Jeff Laszloffy, Vice Chairman (R)  
Rep. Darrel Adams (R)  
Rep. Gila Chancy (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Christopher Harris (D)  
Rep. Linda Holden (R)  
Rep. Joan Hurdle (D)  
Rep. Jeff Mangan (D)  
Rep. Brad Newman (D)  
Rep. Mark Noennig (R)  
Rep. Ken Peterson (R)  
Rep. Diane Rice (R)  
Rep. Bill Thomas (R)  
Rep. Merlin Wolery (R)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Mary Lou Schmitz, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: **SB 283 - 3-2-01**  
**SB 328 - 3-2-01**  
**SB 386 - 3-2-01**

SB 63 - 2-21-01

Executive Action: None

HEARING ON SB 328

Sponsor: Senator Jack Wells, SD 14, Bozeman said this Bill was requested by the Attorney General's office. For some years the process of extradition of offenders into Montana has been handled in a dual fashion. The administrative activities have been handled by the Governor's office but the funding for this operation has been handled by the Attorney General's office. The handling of administrating and funding should all be done in the same office. The Bill transfers all the functions to the Governor's office and puts the Governor's people in charge of the expenses and the funding.

Proponents: Larry Fasbender, Deputy Director, Department of Justice.

Opponents: None

Questions from Committee Members and Responses: Reps. Hurdle, Laszloffy to Senator Wells and Mr. Fasbender for clarification.

Closing by Sponsor: Senator Wells closed the Hearing on SB 328.

*{Tape : 1; Side : A; Approx. Time Counter : 0 - 9.8}*

HEARING ON SB 63

Sponsor: Senator Jon Tester, SD 45, Big Sandy said this is a **small business bill**. There are many rental businesses in the state of Montana that are being left with unpaid fees. This Bill allows small businesses to get the money they deserve. It doesn't guarantee they will get the money but gives them another option.

Proponents: Riley Johnson, Representing the Northern Rockies Rental Association. **EXHIBIT**(juh52a01)

Dan Jacques, A-1 Rentals, Helena

Kevin Pierson, Strobel's Rentals, Great Falls

Clyde Funk, High Country Rental, Livingston

Dwight Bishop, Sun Rental Center, Butte

**Roland Schumacher, ABC Rental, Bozeman**

**Patti Scott, East Helena Rental**

**Opponents:** None

**Questions from Committee Members and Responses:** Reps. Clancy, Harris, Newman, Rice, Hurdle, Noennig, Clark, Peterson to Senator Tester, Mr. Johnson, Mr. Bishop, Ms. Scott, Mr. Pierson for clarification.

***{Tape : 1; Side : A; Approx. Time Counter : 9.8 - 30}***

***{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 29.2}***

**Closing by Sponsor:** Senator Tester closed the Hearing on SB 63.

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**HEARING ON SB 283**

**Sponsor:** Senator Mignon Waterman, SD 26, Helena said this Bill revises the Local Citizens' Review Board Pilot Project Act. This Bill was amended in the Senate because of the general fund impact of the original Bill. It would have been \$2.6 million total for the biennium to expand Citizens' Review Boards state-wide. The Bill was revised and now the Bill will remove the pilot status for the Citizen Review Boards and continue the status quo.

**Federal and state laws require semi-annual reviews for each child in a foster care system to ensure appropriate placement and necessary services. There must be a permanent figure within 12 months. In 1981 foster care review committees were created and administered by the Department and are appointed by the district judge.**

**In 1993 Citizen Review Boards were started as a pilot program. They are administered by the Supreme Court and again appointed by the district judge. The idea of Citizen Review Boards was that an external accountability would improve the accountability and the outcome for children who are in foster care.**

**In 1998 the Legislative Audit Committee did a review of Citizen Review Boards and that is available. They essentially found that they were unable to identify substantial differences. They saw strength and weaknesses in each of the programs that probably had more to do with the make-up of the kids who were in the system**

and the judges in their attentiveness to these statements. Today there are seven Citizen Review Boards across the state.

Proponents: Sherry Meador, Coordinator, Supreme Court's Court Assessment Program. **EXHIBIT**(juh52a02)

Karen Sedlock, Program Supervisor, Citizen's Review Board.

John Larson, District Judge, Missoula, **EXHIBIT**(juh52a03)

Opponents: Colleen Murphy, Executive Director, Montana Chapter National Association of Social Workers. **EXHIBIT**(juh52a04)

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{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 2}

Questions from Committee Members and Responses: Rep. Clark, to Chuck Hunter, Administrator, Child and Family Services Division, who said he was here as having no official position from the Department on this legislation.

Reps. Clark, Clancy, Curtiss, Hurdle, Mangan, Thomas, Noennig, Peterson to Mr. Hunter, Ms. Meador. Judge Larson, Sen. Waterman, Ms. Murphy for clarification and further explanations.

{Tape : 2; Side : B; Approx. Time Counter : 2 - 29.9}

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 4.8}

Closing by Sponsor: Senator Waterman closed the Hearing on SB 283 by saying this is a serious subject because it has to do with the future of these kids. During her legislative career she has fought for permanency for these kids.

Courts will only be able to expand within the appropriation that is allowed and that is in the Bill. This is a review of where the Citizen Review Boards are as far as the number of cases they have, how long the cases are, how long the child is in care.

#### HEARING ON SB 386

Sponsor: Senator Mignon Waterman, SD 26, Helena said this Bill and HB 146 have many similarities because what is being advocated in SB 386 is the continuation of the status quo.

**EXHIBIT**(juh52a05)

**This Bill is for the Delinquency Pilot Project to allow Youth Courts to administrate out-of-home placement funds locally and if the placement allotment is not completely used up the Juvenile Probation office may use the available funds to set up pro-active preventative programs for at-risk youth.**

The project started in 1997 in Montana with two jurisdictions participating: Lewis and Clark, Broadwater Counties in Helena and Custer and the surrounding counties in Miles City.

In 1999 the legislation was continued and nine more districts were allowed to participate, bringing the total to eleven. Community-based preventative programs were implemented through these savings which included: outpatient sex offender, counseling and treatment, anger management services, alternative education programs, mentoring and more.

**Proponents:** Dick Boutilier, Chief Probation Officer, 8<sup>th</sup> Judicial District, Great Falls

Joe Connell, Chief Probation Officer, 5<sup>th</sup> Judicial District

Glen Welch, Chief Probation Officer, 4<sup>th</sup> Judicial District, Missoula,

Joy Mariska, Chief Juvenile Probation Officer, Yellowstone County.

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Sandy Oitzinger, Executive Director, Montana Juvenile Probation Officers' Association. **EXHIBIT**(juh52a06)

**Opponents:** Mike Ferriter, Administrator, Community Corrections Division, Department of Corrections, said this Bill places the Department of Corrections and him in a difficult position. From an earlier hearing and the passage of HB 146, the concepts described in SB 386, are embraced by the Department of Corrections and have been developed and cultivated by the Department. **EXHIBIT**(juh52a07)

Joe Williams, Department of Corrections

John Larson, District Judge, Missoula

Questions from Committee Members and Responses: Reps. Mangan, Clark to Mr. Williams, Senator Waterman for clarification.

Closing by Sponsor: Senator Waterman closed the Hearing on SB 386.

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ADJOURNMENT

Adjournment: 11:05 A.M.

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REP. JIM SHOCKLEY, Chairman

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MARY LOU SCHMITZ, Secretary

JS/MS

**EXHIBIT** (juh52aad)